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ABSTRACT

This paper contends that the issues of constitutional government debated during the founding of the United States should be in the core curriculum of any school that seeks to educate students to become responsible citizens of a constitutional democracy. For purposes of teaching students, the issues debated by founding-era political thinkers can be formulated around three central, interconnected paradoxes: (1) how to achieve liberty with order, (2) how to have majority rule with minority rights, and (3) how to secure the public good and the private rights of individuals. Those documents that exemplify the founding-era consensus and controversy about constitutionalism are identified. These documents include The Declaration of Independence, the Pennsylvania Constitution of 1776, the Massachusetts Constitution of 1780, and many of the papers from the debate between the Federalists and the Anti-Federalists. All of these documents are suggested for student study and research. Finally, three imperatives of teaching and learning about American Constitutionalism are identified and discussed. These imperatives are: (1) systematic teaching of the ideas and issues of the founding-era dialogue and debate on constitutionalism; (2) intellectually active learning by inquiring students; and (3) ongoing inquiry about ideas and issues in an open classroom climate. Contains 48 references. (DB)

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CONSTITUTIONALISM IN EDUCATION FOR DEMOCRACY: THE CONTINUING RELEVANCE OF AGRUMENTS ON CONSTITUTIONAL GOVERNMENT OF THE AMERICAN FOUNDING ERA

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Session 3: Constitutional Imperatives: Limits and Demands on Education

CONSTITUTIONALISM IN EDUCATION FOR DEMOCRACY: THE CONTINUING RELEVANCE OF ARGUMENTS ON CONSTITUTIONAL GOVERNMENT OF THE AMERICAN FOUNDING ERA

by John J. Patrick

In 1776, Americans were deeply involved with the problem of constitutionalism, of how to create government with sufficient power to maintain order and sufficient limitations to prevent tyranny.[1] They sought the elusive condition of ordered liberty to secure the rights of individuals in civil society.[2] Their attempts to combine the contrary elements of power and restraint, order and liberty, in one coherent system produced profound arguments on the meanings and operations of constitutional government, which are relevant to the concerns and challenges of democratic citizenship today. Therefore, the ideas on different sides of these founding-era debates should be in the core curriculum of any school with the goal of educating students to become responsible citizens of a constitutional democracy.

How should the founding-era constitutional debates be included in the school curriculum and used in the classroom? My response to this question on educational practice involves substance and strategies, the essential contents and processes of teaching and learning about arguments of long ago that still have significance for us today. I shall proceed in terms of three topics:

(1) Purposes and first principles of constitutional government in the arguments of American founders and the civic education of

students today.

(2) Key documents for civic education that exemplify the founding-era consensus and controversy about constitutionalism.

(3) Imperatives of teaching and learning about American constitutionalism.

Purposes and First Principles of Constitutional Government in the Arguments of American Founders and the Civic Education of Students Today

The ostensible concern of constitution makers is how to effectively limit powers granted by the people to their government. But the ultimate questions, the most important concerns, are normative. They pertain to the ends that will be served by grants and limitations of power.[3]

Leading political thinkers of the American founding era tended to agree with the opening lines of John Adams's incisive essay, Thoughts on Government, written in the spring of 1776, at the outset of the grandest burst of concentrated constitutional making the world has ever seen. Adams wrote:

> [T]he blessings of society depend entirely on the constitutions of government. There can be no employment more agreeable . . . than a research after the best. [Alexander] Pope flattered tyrants too much when he said,
>
> "For forms of government let fools contest,
> That which is best administered is best."
>
> Nothing can be more fallacious than this. . . . Nothing is more certain from the history of nations, and the nature of man, than that some forms of government are better fitted for being well administered than others. We ought to consider, what is the end of government, before

we determine which is the best form. . . .[4]

Key questions, then, of constitutionalism and constitution makers are always about the proper purposes of limitations on power. These questions ought to be at the center of civic education for democracy. And they ought to yield defensible criteria by which students and citizens make judgments about the structure, operations, and decisions of their constitutional government; and by which they compare, contrast, and evaluate different polities of different times and places.

Through their inquiries on the key normative questions, students will discover that there was a remarkable agreement on purposes and first principles among different parties of the American founding-era debates on constitutional government. John Adams, for example, tapped an emerging American consensus to emphasize the following purposes and first principles of constitutionalism in Thoughts on Government and other writings:[5]

- Good constitutional government is "an empire of laws" in which the rule of law prevails over the arbitrary will of men.
- Good constitutional government is republican, based on the consent and sovereignty of the people and authentically representative of the will of the community.
- Good constitutional government secures the inalienable rights of individuals against tyranny from any source, whether it be the tyranny of one, a few, or many.

- Good constitutional government enables the greatest happiness for the greatest number of people by establishing conditions of liberty and order that permit individuals to satisfactorily pursue personal fulfillment in civil society.

Adams's purposes and first principles are not only compatible with core ideas of The Federalist Papers, but they also are in tune with the writings of leading Anti-Federalists, such as Brutus, Cato, Federal Farmer, and Centinel. James Madison, Alexander Hamilton, and James Wilson endorsed these civic values. And so did Melancton Smith, Richard Henry Lee, Patrick Henry, and George Clinton, who ably represented the Anti-Federalist opposition.[6] Even Adams's nemesis, Thomas Paine, who argued acidly with Adams about institutions and operation of government, tended to agree with his political foe on the most fundamental purposes and principles of good constitutional government.[7]

A fundamental lesson of American civic education is that the arguments of the founding era were conflicts within a broad consensus on the desirability of constitutional republicanism (what we today refer to as liberal constitutional democracy). Contending groups, such as the Federalists and Anti-Federalists, generally agreed on the ends of constitutional government, such as simultaneous security for the public good and the private rights of individuals. Both Publius (the Federalist) and Brutus (the Anti-Federalist) fundamentally valued representative government, the rule of law, popular sovereignty, civic

virtue, and individual rights. The sharp disagreements were about the exact meanings and practical applications of these core ideas in the operations of constitutional government and the lives of citizens.

The conceptual agreements and operational disagreements of the founding-era political thinkers can be synthesized for pedagogical purposes around three central, continuous, and interconnected paradoxes of constitutional republicanism (liberal democracy): (1) how to achieve liberty with order, (2) how to have majority rule with minority rights, and (3) how to secure the public good and the private rights of individuals. These were the key dilemmas for all sides to the American founding debates on the meaning and practice of constitutionalism, and they are central challenges today for those who would sustain and improve upon their civic inheritance from the founders. These three intertwined paradoxes, therefore, should be pervasive parameters of inquiry for students who would know the complex challenges of making and maintaining a liberal, constitutional, and democratic political order.

Each of these paradoxical questions involves judgments about constitutional limits. For example, at what point, and under what conditions, should the power of the democratic majority in government be limited by the higher law of the Constitution to secure the rights of individuals in the minority? Alternative responses to this basic question have raised critical constitutional issues throughout the history of the United States, from the founding era until the present. These are generic controversies about when

and how to limit the power of the people's government to protect the inherent rights and liberties of each person.

A rich legacy of literature is available for students of the founding-era arguments on the paradoxical questions about the meaning and practice of constitutional republicanism (liberal democracy). These primary documents should be the raw materials of civics lessons on the core concepts and continuing controversies of liberal democratic constitutionalism. The pedagogical problem is to select a few of the very best documents, from the vast number available to us, and to organize them effectively for teaching and learning in the classroom.

Key Documents for Civic Education that Exemplify the Founding-Era Consensus and Controversy about Constitutionalism

The Declaration of Independence, the first founding document of the United States, can be a point of entry for in-depth study of the founding-era arguments on constitutionalism, because it proclaims succinctly the American consensus on the purposes of government: security for the "unalienable rights" of individuals and government by "consent of the governed." The constitutional values of majority rule with minority rights, public good with private rights of individuals, and ordered liberty are connoted throughout this document.

The Declaration of Independence calls for limitations on any kind of

power, including the democratic power of the people, in order to secure the "unalienable rights" of every person. These rights are not, strictly speaking, constitutional rights because, in theory, they exist prior to the establishment of any constitution. A good constitution is one that secures these rights. Thus, key ideas of the Declaration of Independence are foundations of American constitutionalism.[8]

The "Declaration" presents examples and reasons about the failure of British government to fulfill the purposes of good government. By implication, the American constitution makers were challenged with the mission of succeeding, where the British had failed, in establishing good governments for the United States of America in terms of widely accepted criteria stated in the Declaration of Independence.

American constitution making, of course, was already underway in several states by the time the Declaration of Independence was written. And the constitution makers worked from long and strong traditions of republican government that had developed during more than 150 years of the American colonial experience.[9] Several of the original state constitutions, and the processes of making them, are worthy of consideration for civic education purposes. Two of them, however, are especially clear and useful exemplars of the consensus on principles and controversy about practices that marked the founding-era debates. These two frames of government recommended for comparative analysis and evaluation by civics students are (1) the

Pennsylvania Constitution of 1776 and (2) the Massachusetts Constitution of 1780.[10]

The Pennsylvania document exemplified, to a considerable extent, institutional arrangements and civic values compatible with Anti-Federalist constitutionalism, as it was expressed in 1787-1788. By contrast, the Massachusetts Constitution, drafted primarily by John Adams, was a forerunner of Federalist constitutionalism. The Pennsylvania document's unicameral legislature, virtual legislative supremacy, judicial accountability to the legislature, and provisions for limited terms, frequent elections, and rotation in office, for example, were used later by Anti-Federalist writers, such as Brutus and Centinel, in their arguments about the characteristics of good government. The Massachusetts document's separation of powers, bicameral legislature, executive veto, and independent judiciary were precursors of the federal Constitution of 1787, the model of Federalist constitutionalism and the target of Anti-Federalist constitutional criticism.

The discourse and debates of the Anti-Federalists and Federalists are a profound extension of the founding-era arguments about the principles and practices of constitutional governments in the original thirteen states. Brutus, the Anti-Federalist, was as adamant as Publius, the Federalist, about establishing constitutional government that would "secure the liberty of the citizens of America" and "admit a full and fair representation of the people."[11] But Brutus, unlike Publius, tried to demonstrate "that the powers [in the

Constitution of 1787] are not properly deposited for the security of public liberty."[12] Brutus, for example, emphasized broad majority rule and citizen participation in a representative constitutional government that directly reflected the popular will. Publius wanted a government based on the popular majority, but limited effectively by the higher law of the Constitution to protect rights and liberties of individuals in the minority. Publius, more than Brutus, wanted to constitutionalize, or limit, the democratic will of the people, because he feared, more than Brutus, majoritarian tyranny.[13]

Serious study of Federalist and Anti-Federalist ideas is a key to understanding the civic culture of the United States and the perennial and paradoxical problems of liberal constitutional democracy: how to simultaneously and reasonably achieve liberty with order, majority rule with minority rights, and the public good in concert with the private rights of individuals. The best Federalist Papers on these core dilemmas are numbers 1, 9-10, 14-15, 23, 37, 47-51, 70, 78-81, and 84. The best Anti-Federalist counterpoints are found in several essays by Brutus (numbers I-V and X-XV) and Federal Farmer (I-VII and XVI-XVII).[14]

Careful comparative analysis and appraisal, for example, of Federalist 10 and 14 and Brutus I and IV will yield deep understanding and judgments on their contrasting conceptions of republicanism and liberalism, which pertain to differing views on representation in government, majority rule, security for individual rights, popular sovereignty, social pluralism, and the public good.

Comparative analysis and appraisal of Federalist 78 and Brutus XV will frame a continuing constitutional controversy about the makeup and functions of the judiciary in a democratic political order. Brutus, for example, argued that the independent federal judiciary of the 1787 Constitution was antithetical to the very idea of a free, popular, majoritarian government. He said, "I question whether the world ever saw, in any period of it, a court of justice invested with such immense powers, and yet placed in a situation so little responsible [to the people]."[15] By contrast, Alexander Hamilton, as Publius, expressed a rebuttal in Federalist 78. He argued for an independent judiciary, exercising judicial review, as an indispensable instrument of constitutionalism with the ultimate purpose of securing individual rights against all potential sources of tyranny, including democratically elected legislative assemblies.

The contending ideas of Federalists and Anti-Federalists on perennial problems of democracy have been connected to alternative visions of constitutional democracy throughout United States history, from the founding era to the present. Arguments about the role, powers, and constitutional makeup of the federal judiciary, which are reminiscent of the Publius-Brutus debate, have persisted through United States history until today. Thomas Jefferson, for example, lambasted the John Marshall Court in terms and tones compatible with the position of Brutus. Chief Justice Marshall, of course, directly drew upon the writings of Hamilton, as Publius, to justify his use of judicial power to serve the highest purposes of American constitutionalism.

Any avid reader of twentieth-century newspapers, knows that the terms and spirit of the founding-era debate on the federal judiciary have been replicated, with slight modifications, in our own times.

Certainly, there were prominent Anti-Federalist ideas in the Populist and Progressive crusades to reform democratic government from the 1890s until the 1920s. Today's "term limits" constitutional reformers are acting on an old Anti-Federalist idea. And the "term limits" opponents usually justify their views with arguments that Publius, the Federalist, would have approved. Further, the central themes of Brutus and several other Anti-Federalist writers are compatible with views of our contemporary advocates of communitarianism and "strong democracy" based on deep civic commitments and extensive citizen participation for the public good.[16] By contrast, Publius in The Federalist Papers is the founding-era precursor of our current proponents of "liberal purposes" and "liberal virtues" in constitutional democracy.[17]

The great founding-era scholar, Herbert Storing, emphatically and eloquently stated the importance of the Federalist versus Anti-Federalist debate for civic education and citizenship today. Storing said, "If . . . the foundation of the American polity was laid by the Federalists, the Anti-Federalist reservations echo through American history; and it is in the dialogue, not merely in the Federalist victory, that the country's principles are to be discovered."[18]

Imperatives of Teaching and Learning about American Constitutionalism

The ideas and issues of the founding-era dialogue and debate on constitutionalism are forever relevant to people committed to the complex conjoining of liberty and order, majority rule and minority rights, and public good and private rights of individuals. Systematic teaching of these ideas and issues on constitutionalism, therefore, is a first imperative of civic education for democracy.

The core ideas on constitutionalism have framed more than 200 years of political debate in the United States, and they have become interesting to people around the world, now more than ever, as we enter what historians of the future may call a "New Global Age of Democratic Revolution."[19] However, students in our schools, the future participants of our political order, will neither know nor value these core civic ideas unless they have regular opportunities to learn the constitutional thought of the American founders, Federalists and Anti-Federalists. Further, if young people in school are not substantially exposed to documents that contain the constitutional ideas of the founders, they cannot be expected to think critically about these ideas in order to identify and maintain the best of them, and to modify and improve upon the rest of them.

A key to better teaching and learning of founding-era conceptions of constitutionalism, and their subsequent development in American and world

history, is emphatic, detailed, and recurrent treatments of these ideas in the classroom. The core ideas and issues must be introduced early in the curriculum and visited again and again, in cycles of increasing complexity and depth, if students are to develop a deep understanding of the ideas and reasoned commitments to them as first principles of constitutional democracy.[20]

A second imperative of constitutionalism in education for democracy is intellectually active learning by inquiring students, such as the interpretation and discussion of primary texts on constitutional thought, analysis and debate of constitutional issues, and participation in classroom simulations (e.g., a simulated ratification debate of the founding era or a mock Congressional hearing on a proposed constitutional amendment of our own times).[21] Active learning by inquiring students appears to be associated with greater achievement of knowledge and development of cognitive capacity for problem solving and critical thinking, which are requisites of responsible democratic citizenship.[22]

A third imperative of teaching and learning about constitutionalism in education for democracy is ongoing inquiry about ideas and issues in an open classroom climate, which leads to higher levels of achievement and development of positive orientations to democratic attitudes. In an open classroom climate, students feel free and secure about expressing and examining ideas and issues, even those that are unconventional or unpopular.

In an open classroom climate, the teacher is emphatically supportive of freedom of expression and inquiry about controversial topics. Further, the teacher serves as a model and mentor for students in their collegial pursuit and use of knowledge to formulate, examine, and justify positions on constitutional issues.[23]

Systematic and intellectually active learning about ideas and issues of constitutionalism, in an open classroom climate, appears to be the way for students to develop profound knowledge and support of core principles of liberal constitutional democracy, which are the essential elements of an American civic creed.[24] To be an American has been, in large part, to acquire, to believe in, and to act on these core civic ideas. Thus, a fourth imperative of teaching and learning about constitutionalism is developing commitments among students, based on reason, to these core civic ideas.

An American identity, based on common principles of constitutional government, was an invention of the founding era. The historian Edmund Morgan reminds us that, "Nationalism has been the great begetter of revolutions. . . . In our case it was the other way round. We [Americans] struck for independence and were thereby stirred into nationality; our nation was the child, not the father, of our revolution."[25]

James Madison and other American founders nurtured this "child"--American national identity--with novel notions of constitutionalism based on "a popular sovereignty not hitherto fully recognized," says Edmund Morgan.

"Madison was inventing a sovereign American people [in an extended national republic] to overcome the sovereign states" and unbridled diversity, which threatened political union, the public good, and the private rights of individuals.[26]

Political philosopher David Richards concurs with the historian Morgan's views about the centrality of new civic principles in creation of a new American community of the founding era. Richards notes that the founders' "new conception of political community (a community of principle) was . . . argued over and justified to the people at large in terms of . . . the ends of politically legitimate government (respect for rights and pursuit of the public good)."[27] This "community of principle" alone gives long-term hope for maintenance of national community and unity in the increasingly diverse American society. It is the cohesive civic core of a multicultural country, which Americans of various classes, religions, regions, races, and ethnic origins have in common. This "community of principle" also is the foundation for fruitful continuing critical inquiry and judgments about the nature and uses of liberal constitutional democracy in the United States.

In 1787, James Madison everlastingly framed the central issue for inquiry on America's pluralistic constitutional democracy. In Federalist 10, he wrote, "To secure the public good and private rights against the danger of [an overbearing majority], and at the same time to preserve the spirit and form of popular government is then the great object to which our inquiries are

directed."[28] And so it is today. Our inquiries as civic educators, students, and citizens still rnust be centrally concerned with conjoining the often contradictory factors of public and private goods, of community and individuality, of majority will and minority rights, and of unity and diversity. This kind of inquiry requires that we reject the rigid polarity of either/or thinking and favor the flexible more or less way of thinking, to balance and blend opposing forces that must be successfully joined to sustain a free society.

In our pursuit of this never-ending inquiry on constitutionalism, we might tend to emphasize individualism, pluralism, and private rights more than majoritarianism, public community, and national unity as some Americans have done since the founding era. Or we might tend more toward the side of community, unity, and public duty through strong democratic participation for the common good as other Americans have done from the 1770s until today. The wisdom of our choices will, to a great extent, depend upon the quality of civic education available to all of our citizens. And our destiny as a people certainly will turn on the wisdom of our constitutional choices. So, systematic, ongoing, and challenging critical inquiry, about the core ideas and issues of American constitutionalism, is <u>the ultimate imperative</u> of civic education for democracy.[29]

Notes

1. Herman Belz defines constitutionalism "as the forms, principles, and procedures of limited government. Constitutionalism addresses the perennial problem of how to establish government with sufficient power to realize a community's shared purposes, yet so structured and controlled that oppression will be prevented." See Kermit L. Hall, editor, The Oxford Companion to the Supreme Court of the United States. (New York: Oxford University Press, 1992), p. 190.

2. Edmund Burke memorably posed the daunting challenge of establishing ordered liberty: "To make a government requires no great prudence. Settle the seat of power; teach obedience, and the work is done. To give freedom is still more easy. It is not necessary to guide; it only requires to let go the rein. But to form a free government; that is, to temper together these opposite elements of liberty and restraint in one consistent work, requires much thought, deep reflection, a sagacious, powerful, and combining mind." See "Reflections on the Revolution in France" written by Burke in 1791, in Charles W. Eliot, editor, The Harvard Classics. (New York: P. F. Collier & Son, 1909), Volume 24, p. 375.

3. Martin Diamond, The Founding of the Democratic Republic (Itasca, IL: F.E. Peacock Publishers, 1981), pp. 98-101.

4. John Adams, "Thoughts on Government" in Stephen L. Schechter, editor, Roots of the Republic: American Founding Documents Interpreted, (Madison, WI: Madison House, 1990), p. 129.

5. See the following works of John Adams from which these statements are derived: Thoughts on Government, Defense of the Constitutions of the United States, and the Massachusetts Constitution of 1780.

6. Substantiation of the founding-era consensus on purposes and first principles of constitutional government can be found in the following sources: Bernard Bailyn, The Ideological Origins of the American Revolution, (Cambridge, MA: Harvard University Press, 1992); Donald S. Lutz, The Origins of American Constitutionalism, (Baton Rouge: Louisiana State University Press, 1988); David A. J. Richards, Foundations of American Constitutionalism, (New York: Oxford University Press, 1989); Richard C. Sinopoli, The Foundations of American Citizenship, (New York: Oxford University Press, 1992). Sinopoli, for example, on page 131 emphasizes that "this consensus on deep ideological principles exists side by side with

differences over the desirability of certain institutions, policies, and civic character traits."

7. Thomas Paine, Common Sense, (Middlesex, England: Penguin Books, 1976), pp. 66-68.

8. The "Declaration of Independence as a foundation of American constitutionalism is discussed brilliantly in Walter Berns, Taking the Constitution Seriously, (Lanham, MD: Madison Books, 1992), pp. 11-20. On page 19, Berns writes "[W]e were first constituted by the Declaration of Independence, and the Declaration must figure prominently in a proper study of American constitutionalism." See also George Anastaplo, The Constitution of 1787: A Commentary, (Baltimore: The Johns Hopkins University Press, 1989), pp. 1-29. Both Anastaplo and Berns see the Constitution of 1787 as a fulfillment of the criteria for good government stated in the Declaration of Independence. Berns writes on page 121, "Somehow that Constitution did what the Declaration of Independence says must be done and what other constitutions have typically been unable to do: it instituted a government that secures human rights." Bernard Bailyn agrees with Berns in his celebrated work, The Ideological Origins of the American Revolution, see pages 321-381.

9. An excellent treatment of the American colonial-period antecedents of the founding-era constitutional debates is presented in Donald S. Lutz, The Origins of American Constitutionalism, pp. 35-69.

10. A copy of the Pennsylvania Constitution of 1776, with commentary, is presented in Bernard Schwartz, editor, The Roots of the Bill of Rights, Volume 2, (New York: Chelsea House Publishers, 1980), pp. 262-275; a copy of the Massachusetts Constitution of 1780, with commentary, can be found in Stephen L. Schechter, Roots of the Republic, pp. 188-226.

11. Brutus, "Essay I," in Herbert J. Storing, editor, The Anti-Federalist: Writings by the Opponents of the Constitution, (Chicago: The University of Chicago Press, 1981), p. 113. Brutus was the pseudonym of an unknown Anti-Federalist writer. Some scholars claim that Robert Yates of New York was Brutus. Publius was the collective pseudonym for the authors of The Federalist, Alexander Hamilton, James Madison, and John Jay.

12. Brutus, "Essay III," in Herbert J. Storing, editor, The Anti-Federalist, p. 123.

13. Brutus, "Essay I," in Herbert J. Storing, editor, The Anti-Federalist, pp. 100-117. Brutus wrote, "[T]he people must give their assent to the laws by which they are governed. This is the true criterion between a free

Government and an arbitrary one. The former are ruled by the will of the whole, expressed in any manner they may agree upon, the latter by the will of one or a few." (p. 114). The contrasting views of Publius can be examined in Federalist 10 and 51; in these two papers Publius (James Madison) explains how a "well-constructed Union" can be "a Republican remedy for the diseases most incident to Republican Government," such as majoritarian tyranny and inability to maintain social order to secure individual rights.

14. The best edition of The Federalist Papers is edited by Jacob E. Cooke, The Federalist, (Middletown, CT; Wesleyan University Press, 1961); the best Anti-Federalist papers are collected in one volume edited by Herbert J. Storing, cited above. Storing was the general editor of a seven-volume work, The Complete Anti-Federalist, (Chicago: The University of Chicago Press, 1981).

15. Brutus, "Essay XV," in Herbert J. Storing, editor, The Anti-Federalist, pp. 182-187; Storing claims that Brutus was the best of the Anti-Federalist writers in directly opposing the ideas of The Federalist Papers.

16. See the works of Benjamin R. Barber and Robert N. Bellah for discussions of contemporary communitarianism. For example, Benjamin R. Barber, Strong Democracy: Participatory Politics for a New Age, (Berkeley: University of California Press, 1984) and Robert N. Bellah, et al., The Good Society, (New York: Alfred A. Knopf, 1991). Richard C. Sinopoli, The Foundations of American Citizenship, discusses the Anti-Federalist roots of "neo-republican" or communitarian political theorists of today. Sinopoli says, on page 162, "The neo-republicans mentioned echo--and restate in strong terms--Anti-Federalist republican concerns in their more self-conscious call for a revival of republicanism in contemporary American life."

17. William Galston, Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State, (New York: Cambridge University Press, 1991) and Stephen Macedo, Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism, (New York: Oxford University Press, 1990). Both Galston and Macedo attempt to blend fundamental liberal constitutional concerns with communitarian commitments to the public good and civic virtue. In this effort, they appear to be faithful to James Madison's criteria for the pursuit of good government stated in Federalist 10; "To secure the public good and private rights against the danger of [an overbearing majority], and at the same time to preserve the spirit and form of popular government is then the great object to which are inquiries are directed."

18. Herbert J. Storing, What the Anti-Federalists Were For, (Chicago: The University of Chicago Press, 1981), p. 72.

19. See R. R. Palmer, The Age of the Democratic Revolution, 1760-1800, (Princeton, NJ: Princeton University Press, 1959); Palmer treats the spread of democratic ideas in Western civilization. By contrast, our current age of democratic revolutions is global, as conceptualized and discussed in three new books: Francis Fukuyama, The End of History and the Last Man, (New York: The Free Press, 1992); Joshua Muravchik, Exporting Democracy: Fulfilling America's Destiny, (Washington, DC: The AEI Press, 1992), and Theodore H. Von Laue, The World Revolution of Westernization: The Twentieth Century in Global Perspective, (New York: Oxford University Press, 1987).

20. A recent summary of findings from twenty years of NAEP studies concluded that "students who reported 'a lot' of study of U.S. history and civics topics [including the Constitution and constitutional issues] also had a higher proficiency in those subjects." See Ina Mullis, E. Owens, and A. Phillips, Accelerating Academic Achievement: A Summary from 20 Years of NAEP, (Princeton, NJ: Educational Testing Service, 1990), p. 71.

21. An excellent source of materials for debates on constitutional amendments is Alice O'Connor, et al., Rediscovering the Constitution: A Reader for Jefferson Meeting Debates, (Washington, DC: Congressional Quarterly, Inc., 1987); this volume contains materials for classroom debates on constitutional issues that have divided Americans from the founding era until the present, such as the desirability of term limits for members of Congress, direct election of the President, direct accountability to the people of the U.S. Supreme Court, a national referendum procedure, and so forth.

22. In the latest NAEP on civics, students who reported regular or extensive participation as active learners in the classroom "tended to perform better in the assessment than their peers who had occasionally or never participated in these activities." See National Assessment of Educational Progress, The Civics Report Card, (Princeton, NJ: Educational Testing Service, 1990), pp. 83-85.

23. James S. Leming, "Research on Social Studies Curriculum and Instruction: Interventions and Outcomes in the Socio-Moral Domain," in W. B. Stanley, editor, Review of Research in Social Studies Education, Washington, DC: National Council for the Social Studies, 1985), pp. 162-163.

24. Gunnar Myrdal, the astute observer of political and social life in the United States perceived the vitality and utility of the core civic ideas that he called an "American Creed" in his seminal work, An American Dilemma, (New York: Harper & Brothers, 1944). Myrdal claimed that this "American Creed is the cement in the structure of this great and disparate nation" (p. 4).

Benjamin Barber appears to agree with the essential elements of Myrdal's analysis in his new book, An Aristocracy of Everyone, (New York: Ballantine Books, 1992), pp. 40-77.

25. Edmund S. Morgan, The Birth of the Republic, 1763-1789, (Chicago: The University of Chicago Press, 1977), p. 100.

26. Edmund S. Morgan, Inventing the People: The Rise of Popular Sovereignty in England and America, (New York: W. W. Norton & Company, 1988), p. 267.

27. David A. J. Richards, Foundations of American Constitutionalism, (New York: Oxford University Press, 1989), p. 295. Richards asserts on page 294 that educators should advance "the kind of humanistic learning that is central to our most important institution of national unity as a people, American constitutionalism."

28. See The Federalist, edited by Jacob E. Cooke, for the complete text of Federalist 10, pp. 56-65.

29. Donald Lutz reminds us that public debate on the meaning and practices of American constitutionalism is an unfinished and open-ended project. On pages 167-170 of The Origins of American Constitutionalism, Lutz challenges us to confront and cope with "an unfinished constitutional tradition," which is rooted in the American founding era and its colonial-era antecedents.

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